

Appl. No. 10/669,885  
Amdt. dated May 26, 2010  
Reply to Office Action of April 27, 2010

PATENT

**Amendments to the Drawings:**

The attached sheets of drawings replace the original sheets of drawings and include a change to Fig. 5.

Attachment: Replacement Sheets

### **REMARKS/ARGUMENTS**

This paper is responsive to the Notice of Non-compliant amendment mailed April 27, 2010. The electronic submission filed January 5, 2010 indicates that an "Appendix to the Specification" was included. This one page APPENDIX is referred to on page 1 of the Amendment as including amended drawing figures. The APPENDIX serves as a placeholder separator between the Amendment and the accompanying replacement drawings. However, due to the EFS-WEB document categories where the accompanying drawings are labeled separately than an Appendix, it may appear that the APPENDIX is missing further pages when in actuality those further pages include the accompanying drawings. Applicants hereby resubmit the Amendment of January 5, 2010 without the APPENDIX placeholder document, the remarks/arguments of which follow below.

This paper is responsive to the Office Action mailed October 5, 2009. Claims 4-6, 8-11, 14-18, 20-22, 24-27, and 30-34 were pending before submission of this paper. Claims 4-6, 8-11, 14-18, 20-22, 24-27, and 30-34 stand rejected. Specifically, claims 4-6, 8-11, 14-18, 20-22, 24-27 and 30-34 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Surbey et al. (US 2004/0186750A1). Applicant respectfully disagrees. Claims 4, 11, 20 and 27 have been amended. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

#### **I. Amendments To The Specification**

Paragraph [0085] has been amended to replace the reference number 526 with 526a to match an amendment to the drawings that distinguishes between two separate elements labeled with the same number. This amendment does not add new matter to the specification as filed.

## **II. Amendments To The Drawings**

Replacement sheets for Figs. 1-27 are filed herewith. These sheets merely replace information drawings with formal drawings and increase legibility. Figure 5 has additionally been amended to replace one instance of the number 526 with 526a in order to distinguish between two separate items in the same drawing. These replacement drawings and the aforementioned amendment do not introduce new matter as they merely replace informal drawings with substantially identical formal drawings and correct an error in the numbering.

## **III. Claims 4-6, 8-11, and 14-18 Define Patentable Subject Matter Under 35 U.S.C. § 101**

The Office Action at pages 2-3 alleges that claim 4 fails to recite a particular machine or apparatus performing the steps of the method claim. While Applicant respectfully disagrees, claim 4 has been amended to recite that the steps are performed “under the control of a web-based system configured with executable instructions.” Thus, Applicant respectfully submits that claim 4 is tied to a particular machine or apparatus and, therefore, is allowable under 35 U.S.C. § 101 for at least this reason.

Claims 5-6, 8-11, and 14-18 depend from claim 4, and therefore are tied to a particular machine or apparatus through dependency. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 101.

## **IV. Claims 20-22, 24-27, and 30-34 Comply With 35 U.S.C. § 112, Second Paragraph**

The Office Action at page 4 alleges that claim 20 is indefinite for failing to particularly point out and distinctly claim the subject matter to which Applicant regards as his invention. Specifically, the Office Action alleges that it is unclear whether claim 20 includes appropriate hardware components, such as computers, memory, processors, to allow functionality of various software components to be realized. Solely for the sake of expediting prosecution, Applicant has amended claim 20 to recite that the web-based system comprises “a data store in communication with at least one processor such that the web-based system is operable to store and organize data related to the insurance-underwriting process.” Thus,

Applicant submits that, as amended, claim 20 recites hardware components of the web-based system and, therefore, addresses concerns raised in the Office Action at page 4.

The Office Action on page 5 rejects claims 21-22, 24-27, and 30-34 because they depend from claim 20. Because claim 20 is allowable under 35 U.S.C. § 112, Second Paragraph at least for reasons discussed in the preceding paragraph, Applicant submits that, at least through dependency, claims 21-22, 24-27, and 30-34 are likewise allowable.

**V. Claims 4-6, 8-11, 14-18, 20-22, 24-27, and 30-34 Are Allowable Under 35 U.S.C. § 102 Over Surbey et al. (US 2004/0186757A1)**

Claims 4-6, 8-11, 14-18, 20-22, 24-27, and 30-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Surbey et al. Applicant respectfully disagrees.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that Surbey does not disclose all elements of the pending claims.

**A. Independent Claim 4**

Applicant's claim 4 recites:

4. A method for facilitating communication among participants in an insurance-underwriting process, the method comprising:  
under the control of a web-based system configured with executable instructions, providing access to the web-based system, wherein the web-based system is implemented using a multi-level modular architecture comprising a web-based portal, the web-based portal providing access to a plurality of web-based applications, each web-based application employing a desktop visual metaphor and providing access, via said desktop visual metaphor, to a plurality of business modules, each business module providing access to a plurality of business logic tools, each business logic tool providing access to a plurality of views for displaying data, the plurality of views including a summary view providing an agent information summarizing cases the agent is handling, a list view providing the agent a list of cases the agent is handling, and a details view providing the agent case-specific information for cases the agent is handling;  
configuring the web-based system such that each business module of each web-based application provides access to a common set of generic business logic tools;

configuring the web-based system such that each business logic tool of each business module provides access to a common set of generic views; sharing, via the web-based system, the data among the participants; wherein the participants comprise at least one user, and wherein the web-based system is adapted to restrict data accessible to the at least one user based on a plurality of attributes of the at least one user.

Such subject matter as recited in claim 4 is not disclosed, taught, or suggested by Surbey. For example, claim 4 recites “providing access to [a] web-based system” where the web-based system provides access tools that provide access to a plurality of views. The views include “summary view providing an agent information summarizing cases the agent is handling, a list view providing the agent a list of cases the agent is handling, and a details view providing the agent case-specific information for cases the agent is handling.” At least such views are not disclosed, taught, or suggested by Surbey.

For example, the Office Action at page 6 alleges that Surbey discloses the summary, list, and details view, as recited in claim 4, at paragraphs 45-48, 105, and 110. Applicant respectfully disagrees. Paragraphs 45-58, for instance, describe “software that allows a user to initiate collaboration with any number of other users within their own organization or externally.” Surbey, paragraph 45. “By clicking on the folder (“explorer”) bar, the user can select the appropriate folder and folder level, and then can utilize the collaboration dialog tool to select collaborators.” Surbey, paragraph 46. In addition, Surbey describes an “invitation can be an e-mail message that provides the URL (web address) of the unique workspace that the software has rendered for each collaborator, the workspace containing only those folders to which that collaborator has been granted access.” Thus, paragraphs 45-48 are directed to “unique workspaces” that are rendered for each collaborator and, therefore, the general idea of views based on access rights. However, Surbey does not in paragraphs 45-48 discuss the specific summary view, list view, or details view recited in claim 4.

Likewise, paragraph 105 of Surbey discloses “General Underwriting Information” for client folders that are hierarchically organized. As shown in Figure 5 of Surbey and described by paragraph 110 (which describes a portion of Figure 5) the “General Underwriting Information” is a folder in a folder hierarchy in which other folders are located. These other

folders in the General Underwriting Information folder are folders entitled Applications, Exposures, Financials, Loss Information, Other Supporting Documents, and Specifications. *See* Surbey, paragraphs 111-116. Thus, even assuming *arguendo* that the folder hierarchy shown in Figure 5 and described in paragraphs 105 and 110 of Surbey discloses a “summary view,” as recited in claim 4, the figure and paragraphs of Surbey do not disclose a “list view providing the agent a list of cases the agent is handling” or “a details view providing the agent case-specific information for cases the agent is handling” also recited in the claim. For instance, Surbey’s Figure 5 and paragraphs 105 and 110 do not disclose a list of cases handled by an agent.

Therefore, Applicant respectfully submits that for at least the above reasons, Surbey does not disclose all elements of claim 4. Accordingly, Applicant respectfully submits that claim 4 is allowable under 35 U.S.C. § 102 over Surbey.

#### **B. Independent Claim 20**

Applicant respectfully submits that claim 20 is allowable at least for reasons discussed above in connection with claim 4. For example, claim 20 recites “a web-based system” that “is implemented using a multi-level modular architecture comprising a web-based portal, the web-based portal providing access to a plurality of web-based applications, each web-based application employing a desktop visual metaphor and providing access, via said desktop visual metaphor, to a plurality of business modules.” As recited in the claim, each business module provides “access to a plurality of business logic tools, each business logic tool providing access to a plurality of views for displaying data, the plurality of views including a summary view providing an agent information summarizing cases the agent is handling, a list view providing the agent a list of cases the agent is handling, and a details view providing the agent case-specific information for cases the agent is handling.” For reasons including some of those discussed above in connection with claim 4, Surbey does not teach such subject matter as recited in claim 20. Therefore, at least for reasons similar to those discussed above, Applicant respectfully submits that Surbey et al. does not anticipate claim 20. Accordingly, Applicant respectfully submits that claim 20 is allowable under 35 U.S.C. § 102 over Surbey.

**C. Dependent Claims 5-6, 8-11, 14-18, 21-22, 24-27, and 30-34**

Claims 5-6, 8-11, 14-18, 21-22, 24-27, and 30-34 depend from claim 20 and, therefore, Applicant respectfully submits that claims 21-22, 24-27, and 30-34 are allowable at least for depending from an allowable claim. Applicant additionally submits that at least some of claims 21-22, 24-27, and 30-34 independently recite patentable subject matter. For example, claim 11 recites that “the plurality of business logic tools comprises at least one generic tool and at least one entity-specific tool” where “said at least one entity-specific tool being accessible by a subset of the participants to whom said at least one generic tool is accessible.” The Office Action at page 7 asserts that Surbey teaches generic and entity-specific tools in paragraphs 46 and 89. Surbey’s paragraph 46 is directed to a “folder (‘explorer’) bar” which allows collaboration to be initiated at the level at a folder. Surbey’s paragraph 89 is directed to various software that can be used in connection with Surbey’s disclosure, such as Oracle, EDI, FTP, HTTP, HTML, XML, cXML, XSL, WAP, and platform-independent and/or network-centric software tools such as Java or Java Script. Thus, it appears that the Office Action interprets entity-specific tools to be read upon by software programs provided by various software companies. As amended, however, claim 11 recites that an entity-specific tool is “accessible by a subset of the participants to whom said at least one generic tool is accessible.” Such tools, as recited in claim 11, are not taught by Surbey at paragraphs 46 or 89 and, therefore, Applicant submits that claim 11 is allowable at least for this additional reason.

As another example, claim 27 recites that “the plurality of business logic tools comprises at least one generic tool and at least one entity-specific tool, said at least one entity-specific tool being accessible by a subset of the participants to whom said at least one generic tool is accessible.” At least for reasons discussed above, Applicant respectfully submits that Surbey et al. does not disclose at least these elements. Therefore, Applicant respectfully submits that claims 5-6, 8-11, 14-18, 21-22, 24-27, and 30-34 are allowable under 35 U.S.C. § 102 over Surbey for at least these additional reasons.

## **VI. Amendment To The Claims**

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter. In addition, by focusing on specific claims and claim elements in the discussion above, Applicant does not imply that other claim elements are disclosed or suggested by the references. In addition, any characterizations of claims and/or cited art are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by another prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present disclosure.

## **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

/Sean F. Parmenter, Reg. No. 53,437/  
Sean F. Parmenter  
Reg. No. 53,437

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834



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PATENT

Tel: 925-472-5000  
Fax: 415-576-0300  
Attachments  
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